

DETAILED ACTION

Status of the Claims

Claims 1-18 and 21-22 are pending wherein claims 1 and 10 are amended, claims 19-20 are canceled, and claims 2 and 11 are withdrawn from consideration.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shawn K. Leppo on 9 September 2008.

In line 11 of claim 1, enter:

--machined,--

between "the" and "forged" in the recitation "heat treating the forged gas turbine engine component by the steps consisting essentially".

In line 13 of claim 1, enter:

--machined,--

between "the" and "forged" in the recitation "solution heat treating the forged gas turbine engine component".

In line 10 of claim 10, omit:

--machined,--

from the recitation "rough machining the machined, forged gas turbine engine component".

In line 11 of claim 10, enter:

--machined,--

between "the" and "forged" in the recitation "heat treating the forged gas turbine engine component by the steps consisting essentially".

In line 13 of claim 10, enter:

--machined,--

between "the" and "forged" in the recitation "solution heat treating the forged gas turbine engine component".

Status of Previous Rejections

The previous rejection of claims 1, 3-10, 12-18 and 21-22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 1, 3-9 and 21 under 35 U.S.C. 112, second paragraph as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of the Examiner's amendment set forth for claim 1 above.

Allowable Subject Matter

Claims 1, 3-10, 12-18 and 21-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or adequately suggest a method for fabricating a titanium alloy having 6 weight percent aluminum, 4 weight percent vanadium and 0.2 weight percent oxygen wherein the steps of fabricating the titanium alloy would include the sequential steps of forging, rough machining, solution heat treating, water quenching, aging, and final machining.

Rejoinder

Claims 1, 3-10, 12-18 and 21-22 are directed to an allowable method of heat treating a titanium article. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 2 and 11 directed to a method of heat treating a titanium article in combination with a method of casting from melt, previous withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, the restriction requirement between Inventions I and II as set forth in the Office Action mailed 16 March 2006 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971. MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

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JR

Application Number**Application/Control No.**

10/692,985

Examiner

Jessee Roe

**Applicant(s)/Patent under
Reexamination**

WAYTE ET AL.

Art Unit

1793